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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,010	04/11/2001	Richard A. Smith	20-464	9656

7590                    11/16/2007  
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Washington, DC 20036-3307

EXAMINER
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TRAN, PABLO N

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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11/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/832,010	SMITH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Pablo N. Tran	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 September 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 7-16 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6, 17-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 and 17-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 17, and 23, the added limitation "outside of a wireless carrier's network" renders the claim indefinite. Does the applicant refer to the physical location of the subscriber queues? According to the specification [0029], the subscriber queues can be integrated internally or external to the Message Distribution Center (MDC). The examiner will interpret that the subscriber queues is external to the MDC and examine accordingly.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5, 17, 19, 21, 23, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPorta et al. (US 5,959,543) in view of Holmes et al. (US 6,134,432).

As per claims 1, 17, and 23, LaPorta et al. disclosed a message distribution center (fig. 5/no. 114, 116, 118) interposed between a source of a short message and a wireless network including an intended recipient of said short message, wherein the message distribution center utilized such messaging protocols communication channel to receive the short message, a plurality of subscriber queues (fig. 5/no. 100, fig. 10) outside of a wireless carrier's network (integrated external to the MDC) each corresponding to a different subscriber (col. 13/ln. 5-10) in said wireless network, the short message being placed in at least one of the plurality of subscriber queues before delivery to the wireless carrier's network; and a communication channel to communicate said short message to said wireless carrier's network.

LaPorta et al. disclose utilization of such messaging communication protocols but not explicitly SMTP protocol. However, Holmes et al. teach such SMTP messaging protocol (col. 2/ln. 65-col. 3/ln. 10). Therefore, it would have been obvious to one of ordinary skill in the art that the message distribution center of LaPorta et al. utilized the SMTP messaging protocol, as taught by Holmes et al., in order to permits a user to be notified of an event by having an alert engine module receive a message alert for an event in a generic communications format, such as over SMTP, and transforming the alert into a

communications format that is preferred by a user at a target address such as based on alert content.

As per claims 3, 19, and 25, the modified communication system of LaPorta et al. and Holmes et al. disclosed SMPP protocol (see Holmes et al., col. 3/ln. 23-26).

As per claims 5, 21, and 27, the modified communication system of LaPorta et al. and Holmes et al. disclosed plurality of queues thresholds but do not specifically disclosed a predetermined maximum number of short message in each of said plurality of subscriber queues. However, such is well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to modify and apply a maximum number of messages in a queue for a subscriber, well known, to the modified communication system of LaPorta et al. and Holmes et al. in order to provide queue capacity control.

5. Claims 2, 18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPorta et al. (US 5,959,543) in view of Holmes et al. (US 6,134,432) and further in view of Granstam et al. (US 6,587,691).

As per claims 2, 18, and 24, the modified communication system of LaPorta et al. and Holmes et al. disclose such utilization of messaging communication protocols but not explicitly RMI protocol. However, Granstam et al. teach such RMI messaging protocol (col. 5/ln. 28-57). Therefore, it would have been obvious to one of ordinary skill in the art that the modified communication system of LaPorta et al. and Holmes et al. utilized the RMI

messaging protocol, as taught by Granstam et al. in order to permits a user to be notified of an event by having an alert engine module receive a message alert for an event in a generic communications format, such as over RMI, and transforming the alert into a communications format that is preferred by a user at a target address such as based on alert content.

6. Claims 4, 20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPorta et al. (US 5,959,543) in view of Holmes et al. (US 6,134,432) and further in view of Couts et al. (5,974,054).

As per claims 4, 20, and 26, the modified communication system of LaPorta et al. and Holmes et al., as claimed in claim 1, do not disclosed such FIFO message queues. However, such FIFO message queues are well known in the art, as disclosed in Couts et al. (see fig.2I/no. 212). Therefore, it would have been obvious to one of ordinary skill in the art to provide the teaching of FIFO message queues as discussed in Couts et al. to the modified communication system of LaPorta et al. and Holmes et al. to maintain a correct transmission order for numbered massages.

7. Claims 6, 22, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPorta et al. (US 5,959,543) in view of Holmes et al. (US 6,134,432) and further in view of Sladek et al. (6,718,178).

As per claims 6, 22, and 28, the modified communication system of LaPorta et al. and Holmes et al. does not specific suggest such utilization of a Wireless Intelligent Network (WIN). However, Sladek et al. taught such utilization (col. 4/ln. 20-28). Therefore, it would have been obvious to one of

ordinary skill in the art to provide such intelligent network, as taught by Sladek et al., to the modified communication system of LaPorta et al. and Holmes et al., in order to assist one or more serving systems in handling calls and employs a unique message set and provides additional capabilities in order to facilitate mobility management and other functions that are uniquely associated with providing service for mobile subscribers.

***Response to Arguments***

8. Applicant's arguments filed 09/18/07 have been fully considered but they are not persuasive.

The Applicant's stated that, "LaPorta fails to disclose, teach or suggest a plurality of subscriber queues OUTSIDE of a wireless carrier's network, much less one in which each queue corresponds to a DIFFERENT subscriber in the wireless network". In response to the Applicant, LaPorta shows such that the subscriber queues (fig. 5/no. 100, fig. 10) are integrated external to the MDC. Also, see explanation above. Furthermore, LaPorta suggested such method of organized the subscriber queues based upon the individual subscriber's device. Therefore, the 103's rejection is proper.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

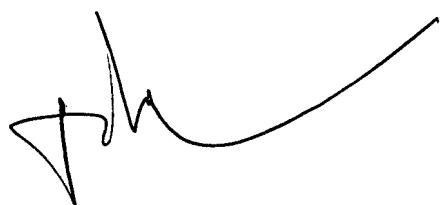
**PABLO N. TRAN  
PRIMARY EXAMINER**

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 6, 2007

PABLO N. TRAN  
PRIMARY EXAMINER

A handwritten signature consisting of a stylized 'P' followed by a more fluid, cursive script.

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